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Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1925 (2010), by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 30 June 2010; decided that, as from 1 July 2010, the Mission should bear the title United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO); and extended the mandate of MONUSCO until 30 June 2011. By paragraph 20 of that resolution, the Council requested that I report, by 21 January 2011, on the progress on the ground and on the assessment conducted jointly with the Congolese authorities regarding the implementation of the objectives set out in paragraph 6 of the resolution. The present report covers developments that occurred during the period between the issuance of my report of 8 October 2010 (S/2010/512) and 13 January 2011.

II. Major developments

2. While the overall situation in most of the Democratic Republic of the Congo remained relatively stable during the reporting period, the conflict in the eastern part of the country persisted, with violent, mostly small-scale attacks carried out against civilians by foreign and Congolese armed groups. A number of human rights violations were also committed by some elements of national security forces. The integration of former Congolese armed groups into the Forces Armées de la République Démocratique du Congo (FARDC) remained tenuous, and some FARDC units, mostly those composed of recently integrated elements, continued mining activities despite the Government's mining ban. MONUSCO took further steps to enhance its efforts to protect civilians, improving communication with local populations and enhancing early warning. To strengthen the protection of civilians in particularly vulnerable areas, the Mission conducted several military operations closely coordinated with FARDC.

3. After reported desertions and renewed recruitments by elements of former Congolese armed groups who had previously integrated into FARDC, the Government initiated some steps towards the resumed implementation of the

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23 March 2009 agreements. Further progress was made in implementing the Government's stabilization and reconstruction plan for the eastern Democratic Republic of the Congo. However, there was limited progress with regard to security sector reform, in particular concerning the training of FARDC.

4. The reaffirmation by the President, Joseph Kabila, of his Government's commitment to hold general elections in 2011 was accompanied by continued preparations for the elections. Political parties began to prepare for the elections, with two prominent political figures, Etienne Tshisekedi and Vital Kamerhe, expressing their intention to run for the presidency. However, delays in the voter registration process and with respect to the adoption of essential legislation posed challenges to the timely holding of the polls.

North and South Kivu provinces

5. FARDC conducted unilateral military operations against the Forces démocratiques de libération du Rwanda (FDLR), the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF-NALU) and residual Congolese armed groups, which were not supported by MONUSCO. In North Kivu, the main theatres of operations were in Walikale and Lubero territories, whereas in South Kivu the focus was on Fizi, Uvira and Shabunda territories. FARDC also conducted joint operations with MONUSCO in some of those areas in the context of Operation Amani Leo and in accordance with the conditionality policy.

6. In North Kivu between 18 and 22 December, MONUSCO conducted Operation Usalama Wa Umma (Secure the People) jointly with FARDC in the areas of Kimua and Luvungi, on the border between Masisi and Walikale territories. In Walikale territory between 29 December 2010 and 7 January 2011, MONUSCO conducted Operation Hatua Yamana (Formidable Reach) jointly with FARDC in the Kimua-Ngenge area, an FDLR stronghold. The Mission also continued its efforts to enhance security in communities affected by FDLR and Mayi-Mayi Cheka where mass rapes and looting had been perpetrated between 30 July and 2 August (see paragraph 8 of my previous report (S/2010/512)), during the ongoing judicial investigations and in order to prevent reprisal attacks. Furthermore, MONUSCO undertook additional measures to enhance the protection of civilians and support Congolese judicial efforts to hold perpetrators to account in connection with the Kibua-Mpofi attacks. Those measures are outlined in paragraphs 39 to 42 and 63 of the present report.

7. In South Kivu between 18 and 30 November, MONUSCO conducted Operation Protection Shield in the Baraka-Fizi-Minembwe area in response to increased activity by FDLR and other armed groups, including the Forces républicaines fédéralistes and elements of the Burundian Forces nationales de libération, whose activities are reported to be increasing in the province. The operation was aimed at deterring activity by armed groups and enhancing the protection of local populations. The Mission also supported FARDC operations against FDLR in the Hauts Plateaux of Uvira, South Kivu, as well as in Mwenga, Walungu and Kalehe territories.

8. Action was also taken against the FDLR leadership outside the Democratic Republic of the Congo. On 11 October in Paris, French authorities arrested Callixte Mbarushimana, Executive Secretary of FDLR, on charges of crimes against humanity committed in the Democratic Republic of the Congo in 2009, under a

warrant issued by the International Criminal Court. On 21 December, a French court separately charged Mr. Mbarushimana with crimes against humanity for his alleged role in the 1994 genocide in Rwanda. On 17 December, German prosecutors announced that FDLR President Ignace Murwanashyaka and his deputy, Straton Musoni, who were arrested in November 2009, had been indicted on charges of crimes against humanity and war crimes allegedly committed in the eastern Democratic Republic of the Congo between January 2008 and July 2009.

9. Military and judicial pressure on FDLR contributed to continued progress with respect to FDLR desertions and voluntary participation in the MONUSCO disarmament, demobilization, repatriation, resettlement and reintegration process (see paragraph 55 below). However, the FDLR military leadership structure remained largely intact, and dispersed FDLR elements established presences in remote areas of eastern Maniema and northern Katanga provinces. In addition, the ability of FARDC to hold ground in areas freed from armed groups and to exploit operational successes remained limited. FDLR, Congrès national pour la défense du peuple (CNDP) deserters, Mayi-Mayi and other Congolese armed groups continued to forge loose alliances, in particular to gain or maintain control over illegal mining activities.

10. Armed groups continued to target civilians, particularly in Rutshuru and Masisi territories in North Kivu, and in Mwenga territory in South Kivu. In addition, human rights violations by elements of the national security forces continued to be reported in the context of ongoing military operations. Notably, on the night of 1-2 January, following a dispute between an element of FARDC and a civilian, FARDC elements carried out multiple exactions, including lootings, rape, torture, arrests and extortion, against the civilian population in Fizi town. MONUSCO immediately dispatched a patrol, on 2 January, and met with local officials of the Police nationale congolaise and FARDC. A mobile operating base was established in Fizi on 7 January, and a joint protection team mission was deployed on 8 January.

11. MONUSCO was also targeted. On 23 October, peacekeepers were attacked at their base in Rwindi, North Kivu, by some 50 armed Mayi-Mayi elements. In the ensuing firefight, eight assailants were killed, three were injured and four were captured by FARDC; MONUSCO suffered no casualties.

12. The reporting period was also marked by unauthorized movements and desertions of former CNDP elements integrated into FARDC. On 29 October, in an apparent show of discontent, some 100 integrated former CNDP elements gathered near Kavumu airport, 40 km from Bukavu in South Kivu. In consultation with FARDC, MONUSCO deployed a quick-reaction force to secure the airport. In a separate development, a number of integrated former CNDP elements boycotted the distribution of FARDC identification cards and uniforms in parts of North Kivu, protesting a lack of clarity about their military ranks. In addition, former CNDP elements were involved in the recruitment and training of new cadres, in particular in Masisi territory, where illegal taxation by the group resumed in some areas.

13. On 30 October, against this backdrop and in the face of continued expressions of dissatisfaction by signatory armed groups regarding the perceived failure of the Government to make progress on the implementation of the 23 March 2009 agreements, President Kabila signed a decree that extended the Government's stabilization and reconstruction plan to June 2011, and reactivated the Comité national de suivi overseeing the implementation of the agreements. On 23 November,

the rapporteur général of the Comité national de suivi met in Goma with representatives of armed group signatories, as well as with civil society and MONUSCO, to prepare for the relaunching of the Comité. In December, the political wings of CNDP and a faction of the Patriotes résistants congolais (PARECO) signed agreements to join the ruling political coalition, the Alliance pour la majorité présidentielle (AMP). CNDP and the PARECO faction had previously concluded an alliance.

14. In Beni territory, North Kivu, FARDC military operations under Operation Rwenzori continued against the Ugandan armed group ADF-NALU. MONUSCO is not involved in the planning or execution of the operations, and FARDC has not requested support for them. However, a MONUSCO military liaison presence will be placed in the Joint Coordination Centre established between FARDC and the Uganda People's Defence Forces (UPDF) in Beni. Operation Rwenzori continued to be associated with the displacement of some 60,000 people, as well as with reported human rights violations by ADF-NALU and some FARDC elements.

Orientale province

15. In Orientale province, attacks by the Lord's Resistance Army (LRA) involving looting and the abduction of civilians continued in the areas of Bangadi, Ngilima and Niangara in Haut Uélé district, as well as in the northern part of Ango territory, Bas Uélé district. Military operations by FARDC and UPDF against LRA continued. A joint intelligence operations cell became operational in Dungu, with the support of MONUSCO, to enhance coordination between FARDC and UPDF.

16. On 30 November, MONUSCO launched Operation Rudia Umbrella in the areas of Duru, Bangadi, Ngilima and Niangara in Haut Uélé, aimed at deterring further LRA action such as the massacres committed in December 2008 and January 2009. As part of the Operation, MONUSCO established several temporary forward bases from which to conduct extensive day and night patrols. In Bas Uélé, between 27 December 2010 and 13 January 2011, MONUSCO conducted Operation Kimiana Lombango (Swift Peace) in Ango and the surrounding area with the aim of facilitating humanitarian access to the area and deterring LRA attacks.

17. Efforts were also made to enhance coordination and information-sharing among partners in the LRA-affected areas. On 13 and 14 October, the African Union convened a regional inter-ministerial meeting in Bangui on LRA. Government representatives from the Central African Republic, the Democratic Republic of the Congo, the Sudan (including the regional government of Southern Sudan) and Uganda attended the meeting, together with senior officials from the United Nations peacekeeping and political missions in the Central African Republic, the Sudan, the Democratic Republic of the Congo and Chad, as well as from the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Office for the Coordination of Humanitarian Affairs. As a follow-up, the African Union is considering the establishment of a regional task force on LRA. In a separate initiative, the United Nations missions in the Central African Republic, the Sudan, Chad and the Democratic Republic of the Congo developed a strategy for enhancing coordination and information-sharing on LRA, and harmonizing efforts to protect civilians. On 24 November, in line with legislation adopted earlier in the year, the President of the United States of America presented the United States Congress with

a strategy to support the disarmament of LRA focusing on, inter alia, regional multilateral efforts.

18. In Ituri district on 11 December, MONUSCO launched Operation Ituri Umbrella jointly with FARDC in Bogoro, Marabo, Idohu, Aveba and Bukiringi in southern Irumu territory, so as to increase pressure on two residual Ituri armed groups, the Front de résistance patriotique d'Ituri and the Front populaire pour la justice au Congo, and to enhance the protection of civilians.

Western provinces

19. In Equateur province, the situation remained mostly calm. However, reports of low-level activity by Enyele insurgents, now called the Mouvement de libération des indépendants et alliés, continued. MONUSCO maintained some 350 troops in the affected area who conducted patrols, including along the river between the Democratic Republic of the Congo and the Congo.

20. In Bandundu province, a radio appeal by the director of a local association, Fraternité des natifs de kikwit, led to riots by youths in Kikwit on 5 November to protest an attack on a logistics base of FARDC and the killing of two civilians by unknown armed elements on 2 November. The Vice-Prime Minister for the Interior and Security travelled immediately to the provincial capital to consult with local authorities, followed by the FARDC Chief of General Staff. A company of the Police d'intervention rapide dispatched to Kikwit was quickly able to restore order.

Political developments and institutions of Government and parliament

21. National political developments were dominated by preparations for the elections scheduled to begin on 27 November 2011 with the first round of presidential and national legislative polling. From 8 to 10 October, AMP held a retreat to discuss political strategy for the elections. From 10 to 14 December, the Union pour la démocratie et le progrès social organized its first pre-election congress in Kinshasa and endorsed the candidacy of its Chair, Etienne Tshisekedi, for the presidential elections. The opening ceremony of the congress was attended by representatives of a number of other opposition parties, including the Mouvement de libération du Congo, led by former Vice-President Jean-Pierre Bemba Gombo. In addition, on 14 December, the former Speaker of the National Assembly, Vital Kamerhe, announced his resignation from parliament and his intention to run for the presidency under a new opposition political party, the Union pour la nation congolaise (UNC). During a subsequent visit carried out by Mr. Kamerhe on 15 December to Goma, North Kivu, a gathering of his supporters was dispersed by the Police nationale congolaise. He was also prevented from holding a public rally in Bukavu the following day.

22. On 11 and 13 January, respectively, the National Assembly and the Senate adopted a motion to introduce proposed constitutional amendments, including changing the voting system for the presidential elections from a two-round to a one-round system. Other significant proposed amendments would allow the President to dissolve provincial parliaments and governments, and to introduce proposals for constitutional amendments without the prior concurrence of both chambers of parliament. While in accordance with the Constitution, the move to introduce the proposed amendments elicited negative reactions from a number of opposition and

civil society actors, and political opposition deputies withdrew and did not participate in the parliamentary voting.

23. With regard to legislative activity, parliament adopted an organic law on the Constitutional Court and laws on the code of the organization and jurisdiction of ordinary courts and on the procedure before the Court of Appeal. All three laws now await promulgation by the President.

24. The National Assembly also adopted three draft organic laws related to the reform of FARDC — on the general organization of defence; on the organization and functioning of the armed forces, and on the organization, funding and functioning of the Superior Council of Defence — as well as a draft organic law on the police. The draft laws are now to be considered by the Senate. On 15 December, both chambers adopted the 2011 national budget, which amounted to approximately $7 billion.

Humanitarian situation

25. An estimated 1.7 million people remained displaced in the Democratic Republic of the Congo, including some 1.3 million in the Kivus. In addition, new displacements occurred in the Kivus and in Katanga and Orientale provinces, while returns in the Kivus slowed as a result of continued insecurity. In Haut and Bas Uélé districts, where LRA continued to target civilians, approximately 300,000 people remained displaced as a result of the group's activity. On 18 and 19 November, a joint mission composed of MONUSCO, members of the United Nations country team and officials of international non-governmental organizations visited Ango, Bas Uélé, to assess the impact of LRA presence in the area and to identify opportunities to deliver humanitarian assistance there beginning in 2011. Local authorities have attributed to LRA some 37 attacks against civilians and the abduction of more than 300 children in Ango territory since March 2009.

26. On 29 October, a tripartite agreement was signed in Kampala among Uganda, the Democratic Republic of the Congo and UNHCR to facilitate the return of Congolese refugees from Uganda. In October, UNHCR completed the return of Congolese refugees from Zambia. Some 1,087 Congolese refugees have been repatriated from Burundi since the beginning of the process under the December 2009 tripartite agreement among the Democratic Republic of the Congo, Burundi and UNHCR, while more than 3,500 Burundian refugees in the Democratic Republic of the Congo were repatriated in 2010. Also in 2010, UNHCR facilitated the return of 10,625 refugees from Congo to Rwanda.

27. The new humanitarian action plan for the Democratic Republic of the Congo was launched on 9 December, outlining estimated humanitarian needs of $719 million for 2011. As at 31 December, the humanitarian action plan for 2010 had received pledges and commitments amounting to 60 per cent of a requested $828 million.

Regional developments

28. Following consultations held on 17 and 18 October in Kinshasa, the Ministers of Defence of the Democratic Republic of the Congo and Rwanda announced their satisfaction with the military operations against the armed groups in the Kivus and reaffirmed their intention to continue to work together to stabilize the security

situation in the region. A reciprocal visit by the Congolese Defence Minister to Kigali took place on 1 and 2 November. In addition, the Rwandan Defence Force Chief of Defence Staff, Lieutenant General Charles Kayonga, continued to meet regularly with his Congolese counterpart to discuss common security threats and strategies for addressing FDLR. Separately, on 2 December, the Minister of Defence of Uganda met with his counterpart in Kinshasa to discuss common security concerns, including the operations against ADF-NALU.

29. On 15 December, President Kabila and several other Heads of State from the Great Lakes region attended a special summit of the International Conference on the Great Lakes Region on mineral resources management and certification, held in Lusaka. The summit, which was also attended by the Deputy Secretary-General and my Special Representative for the Democratic Republic of the Congo, agreed on, inter alia, a regional certification mechanism to curb the illegal exploitation of natural resources, as well as the recently codified Organization for Economic Cooperation and Development due diligence guidelines for responsible supply chains for minerals from conflict-affected and high-risk areas.

30. Relations between the Democratic Republic of the Congo and Angola deteriorated in connection with their ongoing maritime border dispute. In addition, since September, more than 12,000 expulsions of Congolese nationals from Angola have been recorded. In November, joint missions to Bandundu and Kasai Occidental provinces, comprising MONUSCO, United Nations country team members and international non-governmental organizations, were informed by returnees from Angola that a number of the expulsions were associated with serious human rights violations, including detention, forced labour, sexual violence and beatings.

III. Joint assessment process

31. As outlined in my previous report, the United Nations and the Government have conducted an assessment of the situation on the ground and progress made towards the implementation of the objectives outlined in paragraph 6 of resolution 1925 (2010). The first phase of the joint assessment covered 71 territories and localities in the provinces of Equateur, Orientale, North Kivu, South Kivu, Maniema and Katanga, and was concluded in October. The exercise was characterized by excellent cooperation and communication between the Government and MONUSCO teams. The sites selected jointly for examination provided a representative sampling of conditions on the ground, with a particular focus on areas that have experienced armed conflict in the past and where armed groups are still present.

32. The results of site visits were carefully reviewed at the provincial and national levels, producing a common reading with respect to the threat posed by armed groups and ongoing military operations; the level of State capacity, including the degree to which civil administration, police, judicial institutions and national armed forces are present and functional; and major challenges to the protection of civilians. A common finding is that the Mission is in fact being deployed to the areas where its military assets are most needed.

33. With respect to the protection of civilians, the assessment process confirmed the continued, albeit somewhat reduced, threat posed by armed groups in areas where military operations are being conducted. The assessment exercise also highlighted other sources of threats against civilians, including the risk of the

re-recruitment of former combatants whose reintegration process was incomplete; violence related to competition over mineral resources; poaching; and conflicts over land tenure and customary leadership. The joint assessment noted human rights violations perpetrated by elements of the national security forces, but also acknowledged attempts by the authorities of the Democratic Republic of the Congo to bring perpetrators to justice.

34. The joint assessment provides for a common understanding of security conditions on the ground. The exercise continues, taking into account lessons learned to date and building on information thus far collected, to provide a sound basis for decisions on the Mission's deployments and security-related operations. Currently, the joint assessment process does not indicate the need for any reconfiguration of the mandate or the deployment of MONUSCO.

IV. Preparations for elections

35. Since the promulgation on 28 July of the law establishing the Independent National Electoral Commission, no agreement has been reached by the National Assembly regarding the proposed list of nominees for the Board of the Commission. The announced review of the electoral law by parliament also has yet to take place. In addition, the delimitation of electoral constituencies has yet to be completed.

36. On 20 November, the Independent Electoral Commission launched the voter registration process in Maniema province. To date, the process has been completed in Bas-Congo province and has been partially completed in Kinshasa. In the nine remaining provinces, however, the process was delayed by up to two months, owing in part to the late disbursement of Government funds, and is currently expected to begin in the first quarter of 2011.

37. As at 31 December, MONUSCO had distributed more than 1,600 tons of electoral materials to 12 hubs and 175 sub-hubs across the country. The materials will be further distributed by the Independent Electoral Commission to some 6,500 registration centres and additional sub-hubs. In addition, MONUSCO police plan to conduct training for territorial and anti-riot units of the Police nationale congolaise on election security.

38. With regard to funding, the European Union and Belgium announced contributions of 47.5 million euros and 12.5 million euros, respectively, for the general elections, leaving a funding gap of $25 million. Other donors have indicated their willingness to consider additional funding. The Government contribution is expected to amount to $154 million, or approximately 60 per cent of the budget estimated by the Independent Electoral Commission for the general elections.

V. Progress towards the achievement of the mandate of MONUSCO

Protection of civilians

39. Since my previous report, MONUSCO has reinforced existing efforts and initiated new approaches to protect civilians. The Mission has taken a number of measures to enhance communication with the local population and increase its

confidence in MONUSCO. This has included expanding the presence of MONUSCO troops in Walikale territory to six company or temporary operating bases, in Walikale, Kibua, Pinga, Mpofi, Kashebere and Buniampuli, and increasing the number of day and night patrols, including foot patrols. In addition, MONUSCO has developed new standard procedures for the Mission regarding the protection of civilians.

40. The Mission's Senior Management Group on Protection, which includes UNHCR, as protection cluster lead, and the Office for the Coordination of Humanitarian Affairs, endorsed the establishment of community alert networks. Such networks are aimed at enabling isolated communities in the eastern Democratic Republic of the Congo under imminent threat to contact local authorities and nearby MONUSCO military bases in order to request intervention. Under the initiative, the distribution of some 300 mobile phones to community focal points has begun. MONUSCO and partners also continued to work with the Government of the Democratic Republic of the Congo to encourage the expansion of mobile phone network coverage throughout the country.

41. Cooperating with international non-governmental organization partners, MONUSCO also stepped up its efforts to establish early warning systems in vulnerable areas. As part of those efforts, high-frequency radios will equip company or temporary operating bases and will be distributed in selected villages that lack mobile network coverage in the Kivus, as well as in Haut Uélé. Furthermore, MONUSCO deployed additional community liaison interpreters to cover five more locations in North Kivu.

42. The senior management of MONUSCO reviewed and identified gaps in the Mission's protection strategy and took steps to ensure regular follow-up to the decisions of the Senior Management Group on Protection. At the provincial level, such groups were established in Bunia and Dungu, Orientale province, and in Mbandaka, Equateur province, in addition to those in Goma, North Kivu, and in Bukavu, South Kivu.

Status of support for FARDC and the implementation of the conditionality policy

43. MONUSCO continued to apply its conditionality policy with respect to the provision of support to FARDC in keeping with procedures established by the Mission, despite a number of challenges outlined in paragraph 50 of my previous report (see S/2010/512). The Mission screened battalion commanders and the chains of command of units receiving support in Operation Western Thrust in Equateur province, as well as the FARDC operations supported by MONUSCO in Orientale province. The Mission also continued to support FARDC battalions in the context of Operation Amani Leo, primarily in South Kivu. On 11 November, following positive actions taken by FARDC to address several cases involving human rights violations committed in 2009, MONUSCO resumed its support for the 911th, or "Ours", Battalion in Haut Uélé, which had been suspended in June.

44. On 11 November, in follow-up to the recommendations of the inter-agency mission to assess the implementation by MONUC/MONUSCO of the conditionality policy, the Mission issued a standard operating procedure for the provision of support to FARDC and the Police nationale congolaise to ensure a uniform understanding of the policy and its implementation. Steps were also taken to

improve communication regarding the conditionality policy, both within the Mission and with relevant Congolese interlocutors.

Human rights

45. The human rights situation in the Democratic Republic of the Congo remained of grave concern. Despite expressions of renewed commitment by the Government, efforts aimed at the structural reform necessary to improve the human rights situation in the country remained inadequate. In the east, the United Nations Joint Human Rights Office continued to document violations of human rights and international humanitarian law by national security elements and armed groups, mainly FDLR and LRA, including acts of murder, sexual violence, looting and abduction.

46. New threats and acts of violence were perpetrated against human rights defenders, journalists and political opponents. On 29 September, two members of the human rights association Toges Noires who had been present at the arrest of a man accused of having thrown rocks at a presidential convoy in Kinshasa were taken into custody. They were released on 4 and 6 October, respectively, while the arrested man died in detention at a military camp in Kinshasa. Investigations by Congolese authorities into the circumstances of his death have made little progress. On 12 October, the Government lifted the suspension of Radio France Internationale signals throughout the Democratic Republic of the Congo that it had imposed on 26 July 2009.

47. On 12 November, the trial in the case of the killing, on 2 June, of human rights activist Floribert Chebeya Bahizire of the Congolese non-governmental organizations Voix des Sans Voix and the disappearance of his driver, Fidèle Bazana Edadi, began before a military court in Kinshasa. Five of the eight accused Police nationale congolaise officers appeared at the trial's first hearing. The whereabouts of the three others is unknown, and they are expected to be tried in absentia. The Congolese investigation into the case continues. The former Inspector General of the Police nationale congolaise, John Numbi, with whom Mr. Chebeya had an appointment on the eve of his death, remained suspended from his duties. Mr. Numbi has not been indicted in connection with this case, but he has appeared before the Court as a witness.

48. Between 16 and 21 October, following preliminary findings published on 24 September, the United Nations Joint Human Rights Office undertook further investigations into the Kibua-Mpofi attacks carried out from 30 July to 2 August. The investigations determined that at least 387 people, including 300 women, 23 men, 55 girls and 9 boys, had been raped by FDLR and Mayi-Mayi Cheka elements, and elements of a group formed the year before by an ex-CNDP officer and FARDC deserter, "Colonel" Emmanuel Nsengiyumva. In addition, at least 923 houses and 42 shops had been looted and 116 civilians abducted and subjected to forced labour.

49. Following the issuance of the report on the mapping exercise documenting serious human rights violations committed in the Democratic Republic of the Congo between 1993 and 2003, the Minister of Justice and Human Rights indicated in a press release issued on 2 October that the Government of the Democratic Republic of the Congo favoured establishing specialized chambers of a mixed character within Congolese jurisdiction. On 29 and 30 November, the Ministry of Justice and

Human Rights organized a workshop in Kinshasa on specialized chambers and non-judicial mechanisms of transitional justice.

50. Between 30 September and 10 October, a high-level panel convened by the Office of the United Nations High Commissioner for Human Rights visited the Democratic Republic of the Congo to address the issue of reparations for victims of sexual violence. In mid-December, the panel submitted to the Government its report, aimed at complementing efforts to promote justice by providing assistance and support to victims, and to advance a national strategy on sexual violence with regard to reparations.

Sexual violence

51. The United Nations system in the Democratic Republic of the Congo, in coordination with my Special Representative on Sexual Violence in Conflict, Ms. Margot Wallström, continued its efforts to address the high incidence of rape and other acts of sexual violence in the Democratic Republic of the Congo. In October and November alone, MONUSCO recorded nearly 2,000 reported incidents of sexual violence throughout the country.

52. MONUSCO and the United Nations country team worked closely with the Ministry of Gender, Family and Children in coordinating the implementation of the national strategy on sexual and gender-based violence. The Mission facilitated 16 coordination meetings in Kinshasa, Goma, Bukavu and Bunia with United Nations agencies, implementing partners, Government representatives and donors, aimed at streamlining interventions, evaluating progress and identifying gaps and programmatic coverage as well as funding needs. In addition, MONUSCO launched the pilot of a database compiling information on reported acts of sexual violence in Kinshasa and North Kivu, to improve the Mission's capacity to report and analyse trends in sexual violence.

Children and armed conflict

53. In 2010, MONUSCO facilitated the release of 2,006 children from national security forces and armed groups, 393 of whom had been separated from FARDC. However, evidence of the increased recruitment and re-recruitment of children by armed groups and national security elements, including integrated former CNDP elements, in particular in Masisi territory, remained a source of concern.

Illegal exploitation of natural resources

54. Cooperating with the Democratic Republic of the Congo Ministry of Mines, MONUSCO continued to support the establishment of mineral trading counters to combat the illegal exploitation of natural resources in the Kivus. The construction of counters in Isanga, Walikale territory; Rubaya, Masisi territory; and Mugogo, Rutshuru territory, is expected to be completed by February 2011. Additional resources will be required to complete the construction of the counter at Itebero, Walikale territory. In addition, MONUSCO conducted a three-week training course in Bukavu for 40 Police nationale congolaise elements who will provide security at the counters as soon as they become operational.

Disarmament, demobilization and reintegration/disarmament, demobilization, repatriation, resettlement and reintegration

55. Since October, some 940 individuals, including 290 Rwandan and 315 Congolese FDLR combatants, including 17 "officers", mainly from the Kivus and Katanga province, have participated in the disarmament, demobilization, repatriation, resettlement and reintegration programme. About one third of the FDLR combatants disarmed by MONUSCO have been children, primarily Congolese. Since the beginning of the year, 1,881 FDLR combatants have been demobilized, slightly fewer than the 1,997 demobilized in 2009. However, the demobilized "officers" have increased in number from 45 to 65 and have included higher-ranking commanders up to the level of "Colonel". A total of 2,323 individuals, including dependents, have been repatriated to neighbouring countries, with the majority of them having been returned to Rwanda. Nineteen LRA combatants have also been repatriated, but only two ADF-NALU combatants surrendered in 2010.

56. The positive trend was attributed to several factors, including the military operations in the Kivus, enhanced disarmament, demobilization and reintegration/repatriation and resettlement efforts targeting mid-level commanders, and judicial pressure on the FDLR leadership in Europe. MONUSCO also observed an increase in the surrender of Burundian combatants in the Democratic Republic of the Congo.

57. On 9 December, the funding board of the Stabilization and Recovery Funding Facility recommended a project for funding by the Peacebuilding Fund, to support the disarmament and demobilization of 4,000 residual elements of former armed groups in North and South Kivu.

Security sector reform

58. Concrete progress on security sector reform during the reporting period was very limited. MONUSCO continued efforts to harmonize security sector reform support for the Government of the Democratic Republic of the Congo. My Special Representative held consultations with senior Government officials and international partners aimed at enhancing strategic dialogue on security sector reform. MONUSCO also continued to convene working group meetings on security sector reform, which are now regularly co-chaired by officials of the country's relevant ministries.

59. In addition, MONUSCO began compiling information in order to map existing security institutions in the Democratic Republic of the Congo, including the location and capacities of the national army, the police, and the judicial and corrections systems across the country. The Mission also initiated the development of a matrix outlining national, bilateral and multilateral projects and programmes in support of the Government's reform plans for FARDC, the police, and the judicial and corrections systems.

60. The adoption by the National Assembly of the three organic laws relating to Army reform marked a step forward (see paragraph 24 above); although their adoption by the Senate and promulgation by the President are still awaited. MONUSCO is aware of only two bilateral training programmes for FARDC that have remained active.

61. On 5 October, MONUSCO launched preparations for a basic 45-day refresher basic training course for 500 Police nationale congolaise personnel at the Munigi training centre in North Kivu. Intensive training continued for some 500 newly integrated police personnel at the Kapalata training centre. However, financial support has yet to be received for the training, equipping and garrisoning of three police units as envisaged under a pilot project developed by MONUSCO, or for the equipping of three military police battalions in response to the Government's request (see my report of 30 March 2010 (S/2010/164)). The Security Council did not authorize MONUSCO to provide such support.

62. On 30 November, the Democratic Republic of the Congo authorities launched a police census process to assess the strength and the capabilities of the Police nationale congolaise with the support of the Mission's police component. In coordination with the interim Inspector General of the Police nationale congolaise, the Mission also worked with the European Union Police Mission in Kinshasa and other partners on the establishment of an implementation body for the reform of the Police nationale congolaise, developed by the steering committee for police reform. In addition, MONUSCO police appointed focal points at the provincial level to provide advice and support to the Police nationale congolaise reform process. As indicated in paragraph 24 above, the National Assembly adopted a draft organic law on the police, a critical element of the reform process.

Rule of law and corrections

63. On 7 October, further to the Government's request to MONUSCO to support the military tribunals of the Democratic Republic of the Congo by providing them with transport and communications equipment and reinforcing the capacity of their administration (see my report of 30 March 2010 (S/2010/164)), the Military Prosecutor requested assistance in carrying out investigations in connection with the Kibua-Mpofi attacks. Consequently, from 14 to 17 October, MONUSCO, the United Nations Development Programme (UNDP) and other partners conducted training for 24 Congolese magistrates and police officers. FARDC investigators were deployed to Walikale with the support of MONUSCO, UNDP and other partners to collect witness and victim testimonies from 28 October to 29 November. "Lieutenant Colonel" Mayele, a Mayi-Mayi Cheka commander suspected of being among those primarily responsible for the attack, remained in detention by Democratic Republic of the Congo authorities in Goma. Separately, in South Kivu on 16 December, the Military Prosecutor requested assistance in investigating alleged attacks by FARDC elements in Shabunda and Uvira.

64. Progress was also made towards the establishment of prosecution support cells, the first of which is being established in North Kivu with support from Canada. On 9 December, the funding board of the Stabilization and Recovery Funding Facility approved a project to support the establishment of two additional prosecution support cells to be funded by the Peacebuilding Fund. Furthermore, the United States provided a military justice expert to assist MONUSCO with the establishment of the cells.

65. At the national level, parliament adopted three organic laws relating to the organization of the legal institutions of the Democratic Republic of the Congo (see paragraph 23 above). One of the main objectives of the laws is the creation of a Constitutional Court and a Court of Appeal to replace the Supreme Court as

provided in the Constitution, and the revision of existing rules on the organization and the jurisdiction of ordinary courts. Among the Constitutional Court's responsibilities is the adjudication of electoral and referendum-related disputes. Separately, 200 of the nearly 1,000 newly appointed Congolese magistrates began work in Kinshasa. In addition, a draft of the United Nations multi-year joint justice support programme, developed jointly by MONUSCO, UNDP and the United Nations Office on Drugs and Crime, was shared with the Ministry of Justice and Human Rights.

66. The Corrections Unit of MONUSCO was significantly enhanced by the secondment to the Mission by Member States of some 50 corrections officers, more than half of whom have been deployed. This will support efforts to provide strategic direction to the Democratic Republic of the Congo prison administration with the aim of supporting structural reform, capacity-building and good prison management practices in conformity with international norms.

MONUSCO and United Nations country team stabilization and peacebuilding efforts

67. President Kabila's ordinance of 30 October extended the Government's stabilization and reconstruction plan for the eastern Democratic Republic of the Congo to two districts of Equateur province (see paragraph 13 above). On 11 November under the framework of the International Security and Stabilization Support Strategy for the eastern Democratic Republic of the Congo, which supports the plan, the first police station was inaugurated in Sake, North Kivu, and turned over to trained, newly integrated Police nationale congolaise elements. Another 25 facilities have also been completed and are expected to be staffed in the coming months. In addition, significant progress was made in rehabilitating 454 km of roads and bridges on three priority axes, namely, Bukavu-Shabunda and Bukavu-Hombo in South Kivu, and Sake-Masisi in North Kivu.

68. In response to the request by the Government of the Democratic Republic of the Congo for increased support for peace consolidation and development activities, MONUSCO, the United Nations country team and the World Bank developed, in consultation with donors, a concept note for the peace consolidation programme (see paragraph 75 of my previous report (S/2010/512)). The concept note proposes interventions in the areas of State-building, peacebuilding and decentralization based on two pillars: one for strengthening the rule of law and justice system, and a second for community recovery and access to basic social services. On 16 November, the Prime Minister endorsed the process and the content of the concept note. Under the peace consolidation programme, joint MONUSCO-United Nations country team offices are being established in Bas-Congo, Kasaï Orientale and Kasaï Occidental. Separately, MONUSCO and the country team agreed to revise the draft Integrated Strategic Framework in keeping with Government priorities.

VI. Observations

69. Developments since my previous report have continued to underline the many interrelated challenges facing the Government and the people of the Democratic Republic of the Congo. Extending and strengthening the rule of law, establishing and reinforcing legitimate State authority and providing essential services to the

population are constant priorities in many parts of the country. The Government of the Democratic Republic of the Congo continues to grapple simultaneously with the need to provide security for the population and eliminate the threat of armed groups, the need to fight impunity, and the need to establish the conditions and infrastructure needed for sustainable development. MONUSCO and the United Nations Country Team remain committed to assisting the Government and the people of the Democratic Republic of the Congo in accomplishing those tasks.

70. Reform of FARDC and the Police nationale congolaise is one of the essential elements for the consolidation of peace and stability. Decisions regarding the shape and the development of the security forces of the Democratic Republic of the Congo are a sovereign prerogative. I am, however, concerned about the lack of progress on FARDC training and about delays in the adoption of remaining key legislation on the reform of the army, police and judicial institutions. I welcome the Government's willingness to engage with my Special Representative on key security issues, including the support of MONUSCO for FARDC and the application of the conditionality policy, and the Mission's role in supporting the Government's security sector reform activities. I urge international partners to work with MONUSCO to identify possible opportunities for progress in this critical area.

71. I am encouraged by some of the positive indicators on the issue of the illegal exploitation of natural resources. The region and the international community have shown a growing willingness to act together through initiatives such as the Lusaka summit convened by the International Conference on the Great Lakes Region, as well as the formulation of international due diligence guidelines and national legislation. Such steps can help to create a supportive environment for the efforts of the Democratic Republic of the Congo itself — including the ban on mining activities in the Kivus and Maniema and the establishment of the trading counters — to prevent illegal exploitation that drives conflict and deprives the Democratic Republic of the Congo of revenues that would benefit the population. In addition, regular contact and improved relations between the Democratic Republic of the Congo and its eastern neighbours have created possibilities for more effective cooperation.

72. With the necessary will and commitment of the leaders of the Democratic Republic of the Congo, and the constructive engagement of civil society, these developments can help to create the environment needed to improve the situation in the country. Moreover, renewed efforts by all sides to address issues covered in the 23 March 2009 agreements should lead to new political approaches for addressing the long-standing causes of conflict.

73. The international community has continuously supported the democratic process in the Democratic Republic of the Congo over the past 10 years. This support continues as the country prepares for the crucial second post-transitional general elections, scheduled for 2011-2012. In recent months, Democratic Republic of the Congo actors have taken important steps in preparation for the elections. As candidates emerge and campaigning begins, I urge all parties to promote free and constructive debate respectful of democratic norms, and to ensure a credible and transparent electoral process that will fulfil the aspirations of the electorate. I am encouraged by the Government's continued commitment to the electoral timetable, and I urge all partners in this process to pursue preparations vigorously in order to ensure that the polls can take place as planned. I also encourage parliament to

expeditiously establish the new Independent National Electoral Commission and to enact the legislation required for the conduct of the polls in full compliance with the spirit and letter of the Constitution.

74. I welcome the Government's commitment to bearing a greater portion of the cost of the general elections. I encourage the Government to make available the resources that it has allocated, so as to avoid any further delays in the voter registration process and the preparations for the general elections. I also welcome the significant pledges by international partners to support the polls, and I urge all concerned to meet their commitments in a timely manner throughout the process. For their part, MONUSCO and the United Nations country team will continue to support this effort to the maximum extent authorized by the Security Council and the General Assembly. The fiscal constraints facing all Member States make it essential that the Secretariat and MONUSCO achieve the highest degree of effectiveness and efficiency in the use of resources, including in the area of electoral support. A logistical plan and a precise distribution of tasks between electoral authorities and MONUSCO need to be agreed upon if the Secretariat is to be able to make reliable estimates of the resources required and seek the approval of the General Assembly.

75. The protection of civilians continues to be an overriding imperative. I continue to be deeply concerned about the high levels of insecurity, violence and human rights abuses facing the population of the Democratic Republic of the Congo, particularly in the conflict-affected areas in the eastern part of the country. Looting, rape, forced labour and robbery remain daily occurrences in this region. The recruitment and abduction of children by armed groups are also of concern. Human rights violations by national security elements are frequently reported. Well-known structural deficiencies of the armed forces, including lack of training, supplies, equipment and logistical support, hinder the efforts of the Democratic Republic of the Congo authorities to impose discipline and bring perpetrators to justice. Those challenges are compounded by the incomplete and tenuous integration of CNDP and other Congolese armed groups into FARDC, and the involvement of some FARDC personnel in the illegal exploitation of natural resources.

76. I welcome the steps taken by the Government and judicial authorities to bring to justice the perpetrators of the horrendous crimes committed in July and August 2010 against civilians in Walikale territory, along the Kibua-Mpofi axis. The arrest, with the Mission's support, of one of the main alleged perpetrators was a positive development. I urge the Government and its international partners to extend the maximum possible support to the country's justice system and to swiftly address sexual violence and similar crimes committed against civilians.

77. As they pursue justice against FARDC personnel accused of crimes against civilians, the Democratic Republic of the Congo authorities should also explore, together with MONUSCO and other partners, possible incentives for FARDC commanders and troops to respect international human rights, humanitarian and refugee law.

78. Protecting civilians remains the sovereign responsibility of the Government. Meanwhile, MONUSCO has adopted a more robust posture and has continued to develop and carry out new approaches to civilian protection. Measures taken have focused on expanding patrols and improving their effectiveness, enhancing communication between MONUSCO troops and local populations, and enabling

local communities to warn authorities and the Mission of possible or impending attacks. The MONUSCO operations highlighted in the present report represent a major proactive effort by the Mission to contain the activities of armed groups, to deter them from attacking civilians and to reassure the population in sensitive areas of North and South Kivu and Orientale provinces.

79. MONUSCO has undertaken these military operations either on its own (but in close coordination with FARDC) or jointly with FARDC. It has improved upon procedures to ensure compliance with the conditionality policy wherever it has provided support for FARDC operations. At the same time, FARDC has conducted unilateral military operations against the armed groups without MONUSCO support.

80. Military operations must, however, be part of a broader set of actions that include a concerted effort to protect civilians. I urge all stakeholders to increase their coordination and their commitment to acting together to eliminate the threat of armed groups in the Democratic Republic of the Congo. While the physical protection of civilians should be a priority, numerous threats facing the civilian population in the Democratic Republic of the Congo and the instability that continues unabated in the east cannot be eliminated unless the underlying challenges are effectively addressed. These include establishing of effective State authority; building professional and adequately equipped and supplied security and rule-of-law institutions, in particular the armed forces, the national police and the judiciary; curbing the illegal exploitation of natural resources; addressing the weak or absent presence of the State; and neutralizing illegal foreign and local armed groups.

81. With regard to FDLR, the combination of military action and pressure on the diaspora leaders appears to have contributed to the steady flow of FDLR combatants, including officers, presenting themselves to the disarmament, demobilization, repatriation, resettlement and reintegration programme. In that connection, I welcome the steps taken by France to arrest FDLR Executive Secretary Callixte Mbarushimana on the basis of a warrant issued by the International Criminal Court, and the new indictments in Germany in connection with the arrest there of the FDLR President and his deputy in November 2009. I encourage other Governments in countries where FDLR leaders and support networks reside to take appropriate legal action against them.

82. As for LRA, I welcome the initiatives of the African Union in that regard and urge the States of the region and the broader international community to work together with the African Union to better define feasible steps towards a coordinated strategy aimed at protecting civilians from the LRA threat and, ultimately, eliminating the group's capacity to terrorize civilians.

83. The capacity of MONUSCO to protect civilians and to implement other core elements of its mandate is dependent on the availability of the necessary resources, in particular the number of military helicopters available to the Mission. The decline in that number is expected to accelerate early in 2011, when, according to information received by the Secretariat, letters of assist for 10 of the remaining military helicopters of MONUSCO will not be renewed. Without additional pledges from a contributor or contributors, the Mission will be left with only 10 military utility helicopters, 4 military observation helicopters and no attack helicopters. Civilian helicopters alone cannot fill the gap created by the loss of those military aircraft, which will diminish the Mission's ability to protect civilians and its own forces, to deter armed groups and to support a number of its temporary or company

operating bases in remote and high-risk areas. I appeal to Member States to contribute military helicopters as a matter of urgency in order to fill this critical capability gap.

84. I am pleased to note that the past several months have been characterized by steady and constructive communication among MONUSCO, the United Nations country team, the Government and a range of governmental and non-governmental actors in the Democratic Republic of the Congo. While constant efforts are required to reach out to key stakeholders and the public, current discussions on issues such as the justice reform programme, police training and reform, stabilization, and peace consolidation are encouraging. The successful conduct of the ongoing joint assessment process described in Section III of the present report has played an important part in that regard. The assessment process, including site visits by mixed teams and reviews at the provincial and national levels, has served as an important point of departure for dialogue between the Government and MONUSCO. This has allowed the Government and the Mission to develop a common understanding of the situation on the ground. The assessment process has also underlined the need for sustained international support for efforts to establish the rule of law and State authority throughout the country, but especially in areas emerging from conflict. The assessment process is continuing and will examine the situation in a number of additional areas. I will keep the Security Council informed of the process, as necessary, in my forthcoming reports.

85. Finally, I would like to express my appreciation to all MONUSCO civilian, military and police personnel, who support the stabilization effort in the Democratic Republic of the Congo under the leadership of my Special Representative, Mr. Roger Meece. My continued recognition goes to countries contributing troops and police to MONUSCO, as well as to their uniformed personnel. I would also like to express my appreciation for the work of the United Nations country team and the humanitarian community, as well as donor countries and multilateral and non-governmental organizations.

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Security Council

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Letter dated 14 January 2011 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached reports on the international security presence in Kosovo, covering the periods from 1 April to 30 June 2010 (annex I) and from 1 July to 30 September 2010 (annex II).

I should be grateful if you would bring the present letter and its annexes to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex I

Report to the United Nations on the operations of the Kosovo Force

1 April to 30 June 2010

1. The present report is issued pursuant to the Kosovo Force (KFOR) reporting requirement under Security Council resolution 1244 (1999). The report covers the period from 1 April to 30 June 2010. The overall situation in Kosovo remained generally calm throughout the reporting period. However, Kosovo continues to suffer from wide-ranging socio-economic difficulties as well as inter-ethnic tension, mainly in the north and in some Kosovo Serb returnee areas.

2. As at 30 June 2010, the total number of troops in theatre was 9,110. This number included 1,597 troops from non-NATO countries.

Security situation

3. The overall security situation in Kosovo remained generally calm over the reporting period. However, there were some tensions associated with electricity supply, disabling of towers of Serbian-owned telecommunications operators and protests against Kosovo Serb returnees in the Zallq/Žać area.

4. After the return of 30 Kosovo Serb families to the Zallq/Žać area in late March 2010, some local Kosovo Albanian residents staged protests against the returnees. The protests included the throwing of stones at tents of the Kosovo Serb families on several occasions. The Kosovo Police and the European Union Rule of Law Mission (EULEX) provided security for the settlement. Following those incidents, four Serb returnee families left Zallq/Žać.

5. On 23 and 24 April 2010, the Telecommunications Regulatory Authority disconnected elements of the infrastructure of Serbian-owned telecommunications operators in southern Kosovo. Kosovo Serb residents in southern Kosovo staged several protests against the cut-offs. After several days the cellular network of Serbian-owned telecommunications operators was re-established.

6. On 30 May 2010 Kosovo Serbs in north Mitrovica conducted municipal elections, despite warnings from both Pristina and EULEX that they would not recognize the results. Hundreds of Kosovo Albanians, led by war veteran organizations, demonstrated in south Mitrovica against the election, and some Kosovo Serbs demonstrated in north Mitrovica. The groups threw stones at each other. The Kosovo Police used tear gas to prevent physical contact between them.

7. On 28 June 2010, the Saint Vitus Day ceremony held at the Graçanicë/Gracanica Monastery and the Gazimestan Monument drew approximately 1,500 people. No incidents occurred.

KFOR operations

8. Operations in support of operation order (OPORD) Effective Knight (ETO 05) continued, with KFOR maintaining a safe and secure environment and freedom of movement in cooperation with local and international actors, by conducting intelligence-driven operations, using situational awareness, rapid and determined deployment of manoeuvre forces and reserves to deter violence and deal with crisis situations.

9. On 15 April 2010, the Serbian Armed Forces Chief of Staff met with the Commander of KFOR in the context of the Joint Implementation Commission. A second such meeting was held on 3 June 2010.

NATO new tasks

Kosovo Security Force

10. Screening for new Kosovo Security Force (KSF) candidates continued. Initial screening, involving documentation and physical fitness, was completed and a filter board selected candidates for medical screening. The final Selection Board was convened on 17 and 18 May to select candidates for remaining vacant KSF positions. The Board selected about 300 individuals, including 72 minorities and 43 females. Several applicants were placed on a reserve list. During the KSF recruitment campaign earlier in 2010, there had been around 100 applicants for the Cadet School programme; however, only 16 met the criteria for entrance to the KSF and only 3 had the required fluency in English in order to attend the American University in Kosovo. As a result, during the reporting period, the KSF launched a two-week recruitment campaign for the Cadet School programme.

11. On 6 April 10, the Helsinki Fire Brigade started the first of two courses to train members of the KSF hazardous material cell for basic-level capability in hazardous materials response. Further training packages for leadership and core and enabling capabilities remained under development.

12. On 19 April 2010, the KSF conducted a crisis response exercise at the KEK power plant. Simulating a disaster at a power plant, the exercise tested a wide range of core capabilities.

13. The Kosovo Protection Corps (KPC) Resettlement Board was convened by the United Nations Development Programme on 4 May 2010. It was noted that as at 21 April 2010, 1,439 of 1,472 eligible cases had registered in the programme. A total of 1,314 had received a business grant and 71 had gained a job. It was also reported that 212 had found a job outside of the programme. A total of 1,236 ex-Kosovo Protection Corps members received their final severance payments during the month of May 2010.

Annex II

Report to the United Nations on the operations of the Kosovo Force

1 July to 30 September 2010

1. The present report is provided pursuant to the Kosovo Force (KFOR) reporting requirement under Security Council resolution 1244 (1999). The report covers the period from 1 July 2010 to 30 September 2010.

2. As at 30 September 2010, the total number of KFOR troops in theatre was 8,830. That number includes 1,490 troops from non-NATO countries.

3. The situation in Kosovo remained generally calm throughout the reporting period. However, Kosovo continues to suffer from socio-economic difficulties and inter-ethnic tensions. KFOR continued to transform its military posture towards the deterrent presence stance, releasing troops from static tasks, while retaining the capability to maintain a safe and secure environment and freedom of movement to support the Kosovo Police and the European Union Rule of Law Mission as third responder, should circumstances demand.

Security situation

4. On 2 July 2010, Pristina opened a civil service centre in northern Mitrovica, with the intention to provide a number of public services such as the issuance of documents. The opening sparked a peaceful demonstration, which was then disrupted by unknown perpetrators who threw an unidentified explosive device towards the crowd, possibly aiming at the administrative office, killing one Kosovo Bosniak local doctor and injuring several other people.

5. Several days later, Serbian member of the Kosovo Assembly and Secretary of the Serbian Independent Liberal Party, Peter Miletić, was shot and wounded outside his residence in northern Mitrovica.

6. On 21 July 2010, the International Tribunal for the Former Yugoslavia upheld a prosecution appeal and ordered a partial retrial of the war crimes case against Ramush Haradinaj, Idris Balaj and Lahi Brahimaj. The Tribunal decision sparked small demonstrations in Pejë/Pec, Decanë/Decani and Djakovica/Gjakovë.

7. On 22 July 2010, the International Court of Justice issued its advisory opinion. In reaction, some 700 Kosovo Serbs protested in northern Mitrovica.

8. In August 2010, the Kosovo Police Director discharged a number of Kosovo Police officers from northern Kosovo due to poor performance. The discharges were linked to an incident at the Jarinje border crossing point, when several members of the so-called Obraz group forcibly entered Kosovo during the Vidovdan march held in June 2010. Local Kosovo Police officers were blamed by the Kosovo Police Directorate for not stopping the group and for showing reluctance to undertake their duties.

9. On 11 September 2010, following a televised basketball championship match, fighting broke out between two groups of Kosovo Albanians and Kosovo Serbs at the Austerlitz Bridge in Mitrovica. The Kosovo Police and EULEX intervened. KFOR troops were deployed but did not engage in action. During a subsequent

confrontation between EULEX and a group of Kosovo Serbs, two KFOR soldiers were slightly injured as a result of stone throwing.

KFOR operations

10. Operations in support of operation order Effective Knight (ETO 07) continue with KFOR in terms of maintaining a safe and secure environment and freedom of movement by conducting intelligence-driven operations across the territory of Kosovo, using situational awareness, rapid and determined deployment of manoeuvre forces and reserves to deter any violence and to deal with crisis situations.

11. The Commander of KFOR continues to maintain a KFOR presence in the vicinity of the Valac electricity substation and to be prepared to act as third responder in support of the Kosovo Police and EULEX. Currently, the situation at the Valac substation remains calm.

12. The North Atlantic Council decided on 9 July 2010 to authorize KFOR unfixing from the Gračanica, Zočište, Budisavci and Gorioč monasteries. On 23 August 2010, the Kosovo Police assumed guarding responsibilities from KFOR at Gračanica Monastery. No incidents have been reported. Next in the unfixing sequence was Zočište Monastery, where KFOR also passed the guarding responsibilities to the Kosovo Police. The unfixing process started on 19 October 2010, with the actual handover to Kosovo Police on 3 November 2010.

13. On 1 September 2010 at KFOR headquarters in Pristina, the change of command ceremony from Lieutenant General Markus Bentler to the newly appointed Commander of KFOR, Major General Erhard Bühler took place. Along with the incoming Commander of KFOR, the new KFOR headquarters structure has been implemented, reducing headquarters manpower and downgrading the command level from three to two stars.

14. On 17 September 2010, during the NATO chiefs of defence meeting in Bratislava, the Supreme Allied Commander Europe announced his intention to recommend to the North Atlantic Council the move to the so-called "Gate 2" in the transition to a KFOR deterrence presence.

15. On 28 September 2010, the NATO Military Committee visited KFOR. The delegation met with the Special Representative of the Secretary-General, Lamberto Zannier, the Deputy Head of EULEX, Roy Reeve, and the European Union Special Representative, Pieter Feith.

16. During the reporting period KFOR, EULEX, the Kosovo Police and the Serbian Orthodox Church undertook joint planning for the enthronement of Serbian Orthodox Patriarch Irenej.

New tasks of NATO

17. During the reporting period, development of the Kosovo Security Force (KSF) progressed. However, concerns remain over the ethnic balance, shortfalls in mentors and training capabilities and inadequate equipment donations.

18. On 23 August 2010, the second KSF basic training course, with 188 recruits, and the non-commissioned officer basic course, with 39 attendees, were launched. The courses are manned and controlled by KSF instructors. On 30 August 2010, the

non-commissioned officer development course at Grafenwöhr, Germany, started with 12 non-commissioned officers and officer cadets. The leadership course is conducted through a bilateral agreement offered by the United States of America. During the course, students learned about the human dimension role in leadership, communication skills, problem solving and maintaining discipline. The course concluded on 17 September 2010.

19. On 30 August 2010, it was announced that the KSF explosive ordnance and disposal teams would be ready to begin explosive ordnance disposal emergency response tasks in Kosovo. The KSF explosive ordnance disposal operations cell and KSF explosive ordnance disposal teams will be involved in the execution of the response tasks (with limitations) under KFOR monitoring and mentoring as an interim phase, prior to the transfer of the KFOR first responder role on explosive ordnance disposal cases to the KSF.

20. During September and October 2010, a recruitment campaign for the KSF reserve component was launched by the KSF. The recruitment goal is to attract up to 400 applicants for reserve positions. KFOR has supported the preparation and execution process by KSF.

21. During the reporting period, the KSF was actively involved in constructing a new orphanage at Kline/Klina and camp sites for returnees at Dragoljevac and Zaq/Zač. The ground and road preparation for each of the projects was finished with the assistance of KFOR engineers.

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Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur

I. Introduction

1. The present report is submitted pursuant to paragraph 8 of Security Council resolution 1935 (2010), by which the Council requested me to report every 90 days on progress made towards implementing the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID). The report includes an assessment of progress made against the benchmarks set out in annex II to my report of 16 November 2009 (S/2009/592) and provides updates on the political, security and humanitarian situation and the UNAMID strategy for the protection of civilians, as requested in paragraph 4 of resolution 1935 (2010).

II. Political developments

2. Progress has been achieved in the peace negotiations in Doha. While the Joint Chief Mediator originally planned to present to the Government of the Sudan and the Liberation and Justice Movement (LJM) a draft agreement in early September, the parties requested additional time to negotiate outstanding issues. In the first week of November, joint negotiating committees concluded their work in the areas of power-sharing, justice and reconciliation, compensation, the return and resettlement of refugees and internally displaced persons, and security arrangements. Thereafter, the Mediation worked directly with the parties to reconcile the outstanding differences. The main points of disagreement are related to the powers of a regional authority to implement the peace agreement in Darfur, a vice-presidency post for Darfur, as well as issues related to security arrangements, power-sharing and compensation.

3. The Mediation is working with the parties on a series of steps needed to bring together the different arms of the negotiations and finalize the Doha process. The Joint Chief Mediator continues to encourage the major armed movements, including the Justice and Equality Movement (JEM) and the Sudan Liberation Movement led by Abdul Wahid al-Nur (SLM-AW), to support and take part in the peace process. On 16 December, the JEM delegation agreed to resume negotiations with the Government on a ceasefire agreement. The decision of JEM to rejoin the negotiations followed extensive consultations with the Mediation, with the support of the United States Special Envoy, Major General (retired) Scott Gration, in Doha.

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4. The Joint Chief Mediator, Djibrill Bassolé, and the Minister of State for Foreign Affairs of Qatar, Ahmed bin Abdullah Al-Mahmoud, visited Darfur from 28 November to 2 December to promote the provisional outcomes of the Doha negotiations and to discuss with stakeholders outstanding issues. The delegation consulted representatives of the Government, leaders of Sudan's political parties, internally displaced persons, nomadic community leaders and representatives of civil society. Representatives welcomed the progress towards agreement reached in Doha regarding compensation, wealth-sharing, land issues and property restitution, but also stressed that any agreement should be comprehensive of all issues. While most of the meetings proceeded without incident, during discussions with civil society in Nyala, a Government-sponsored civil society group forcibly interrupted the meeting, claiming to be the only legitimate representatives of civil society in the area. The situation was eventually calmed after an intervention by Minister Mahmoud and the Joint Chief Mediator. In the meeting in Zalingei, a physical confrontation between pro- and anti-Doha groups resulted in the death of two civilians after Government police used force to disperse the crowd. The Mediation also travelled to Chad from 27 to 28 December to consult with the Darfuri refugee communities and meet President Déby.

5. While the Government's delegation left Doha on 31 December 2010, it continues to engage with the Mediation in the negotiations.

6. On 6 November, the Sudan Consultative Forum convened a second meeting in Addis Ababa, at which a Darfur-based political process was discussed. The Forum noted that the outcome of the Doha process would be "the point of departure" for the Darfur-based political process, which would work towards "an inclusive political settlement based on the consensus of the people of Darfur". At this point, the basis and timing of the Darfur-based political process and its relationship to the ongoing negotiations in Doha are under discussion.

7. Fundamentally, the credibility of the Darfur-based political process and its role in assisting the people of Darfur to participate in and support the peace process will depend on the steps the Government must take to create a conducive enabling environment. These include, inter alia, the protection of the civil and political rights of participants in an environment where they can present their views without fear of retribution; freedom of speech and assembly to permit open consultations; freedom of movement for participants and UNAMID; and proportional and equitable participation among Darfuri interests.

8. In a meeting on 16 December with the Joint Special Representative, Ibrahim Gambari, the Chairman of the African Union High-level Implementation Panel, Thabo Mbeki, and Presidential Adviser Ghazi Salaheddin, it was agreed that a joint UNAMID-Government of the Sudan technical task force would be established to monitor the conditions for an enabling environment and to develop modalities for implementing the Darfur-based political process.

9. On 6 January 2011, the Arab African Ministerial Committee and the Joint Mediation held a meeting in Doha under the auspices of the Government of Qatar. The meeting expressed concern at the humanitarian and security situation in Darfur, noted progress in the negotiations between the Government and LJM and the presence of JEM in Doha, and renewed its support to the Darfur peace process.

Intercommunal reconciliation

10. During the reporting period, a number of intercommunal reconciliation agreements were reached, reducing tensions in many areas of Darfur. On 10 October, traditional leaders from the two largest tribes in Southern Darfur, the Southern Rizeigat and the Fur, signed a charter for peaceful coexistence. According to the provisions of the charter, the tribes agreed to reject violence and embrace dialogue as a form of resolving tribal disputes, respect each other's history and heritage and establish a consultative Shura (council) through which disagreements between the tribes can be resolved.

11. On 22 November, the Habaniya and Fellata tribes in Southern Darfur, which have been sporadically engaged in hostilities since the early 1990s, signed a peaceful coexistence agreement. The agreement distributed administrative control of disputed areas in Buram and Tulus localities evenly between them and described mutually agreeable migration routes in these areas. In addition, the Government agreed to pay, on both tribes' behalf, 80 per cent of the diya (compensation money) owed by each tribe.

Deterioration of relations between the Government of the Sudan and the Sudan Liberation Army-Minni Minawi

12. Relations between the Government and the Sudan Liberation Army-Minni Minawi (SLA-MM), the signatories of the 2006 Darfur Peace Agreement, deteriorated markedly during the reporting period. On 30 October, elements of SLA-MM and the Sudanese Armed Forces (SAF) signed an agreement in El Fasher, according to which they would implement a modified version of the security arrangements contained in the Darfur Peace Agreement. The central component of the agreement involved integration of SLA-MM forces into SAF.

13. However, the integration did not take place as planned, and on 21 November, six days after his forces were to present themselves for integration, Minni Minawi issued a communiqué stating that he refused to disarm his forces on the grounds that the Government had attempted the disarmament in a manner inconsistent with the provisions of the Darfur Peace Agreement.

14. With tensions rising, on 21 November, SLA-MM elements and Government of the Sudan police exchanged fire near Zam Zam camp (El Fasher), resulting in serious injuries to two police officers. On 3 December, a SAF military spokesperson issued a statement declaring Minni Minawi an enemy of the Government. On 4 December, fighting between SAF and SLA-MM forces took place at Um Kunya, 35 kilometres south of Nyala. On 8 December, President Bashir issued a decree declaring that the Wali of Western Darfur had replaced Minni Minawi as the new Chair of the Transitional Darfur Regional Authority, the body established to implement certain provisions of the Darfur Peace Agreement. On the same day, National Intelligence and Security Services agents arrested 20 SLA-MM political personnel at the Transitional Darfur Regional Authority offices in El Fasher and Nyala.

III. Security situation

15. While there has been an increase in clashes between SAF and armed movements during the reporting period, there has also been a decrease in intercommunal conflict.

Targeted attacks on UNAMID and humanitarian personnel have also decreased. However, two kidnapping incidents occurred during the reporting period.

16. Following unconfirmed reports of a build-up of JEM forces in Southern and Northern Darfur, UNAMID observed a JEM convoy of approximately 100 vehicles near Um Kadada in Northern Darfur on 29 October, indicating JEM movement from its main locations in the far north towards the south. The mission also observed substantial SAF reinforcements in Um Barru, Karnoi, Malha and Kutum in Northern Darfur, as well as SAF aerial surveillance in the areas between Tina and Um Barru, Kutum and El Fasher and El Daein and Adilla.

17. UNAMID received reports that SAF conducted an aerial offensive on suspected JEM positions near Um Dul village, east of Shangil Tobaya, on 30 October. In early November, JEM attacks on SAF and local villages were reported in Southern Darfur, including the JEM attack on 3 November on a commercial convoy escorted by Central Reserve Police at Tortahan, 40 kilometres north-east of Nyala, killing up to 40 police. Subsequent clashes with SAF were reported near Muhajeria, Sania Fundu and Marla. On 8 and 9 November, JEM attacked a village market at Um Gidan, 120 kilometres south-east of El Daein, and Um Alkhairat, 65 kilometres west of El Daein. On 12, 24 and 25 November, SAF conducted aerial attacks near the Kiir Adhan bridge in the vicinity of the Southern Darfur-Southern Sudan border, apparently against JEM elements suspected to be moving towards Southern Sudan. Importantly, the attacks occurred in an area the Government of the Sudan considers part of Southern Darfur, whereas the Government of Southern Sudan claims the area as part of Northern Bahr el Ghazal State.

18. Following deteriorating relations between the Government and SLA-MM, on 10, 11 and 17 December clashes took place between SAF and SLA-MM forces in Khor Abeche. On 23 December, SLA-MM and JEM attacked Government of the Sudan police in Dar al Salam, 37 kilometres east of Shangil Tobaya in Northern Darfur. Clashes were reported on 24 and 25 December south of Shangil Tobaya. On 26 December, SAF and SLA-MM clashed near Shaeria, 92 kilometres north-east of Nyala.

19. The number of displaced persons from these clashes is estimated in Shangil Tobaya at 14,000, in Dar al Salam at 15,000 and in Khor Abeche at 10,000. While it appears that the numbers of civilian casualties are relatively low and that civilians were not specifically targeted by either side, UNAMID is looking into reports of possible human rights abuses, looting and destruction of civilian property.

20. UNAMID has maintained a robust presence and an active patrolling pattern in and around Shangil Tobaya, Khor Abeche and other affected areas to deter fighting and maintain situational awareness for the purpose of early warning and quick response. The mission continues to assist the humanitarian community in reaching people in need and providing protection, water and emergency health care for internally displaced persons sheltering around UNAMID team sites in Shangil Tobaya, Khor Abeche and Shaeria. The total number of displaced persons around these UNAMID team sites has reached 15,000.

21. Government restriction on the movement of UNAMID constrained the mission's response to the affected population in the first days of the crisis. Air and land restrictions were in force in Khor Abeche, Shaeria, Muhajeria, Labado, Marla, Shangil Tobaya and Dar al Salam. The Government lifted some restrictions on 27 December,

but continued to limit the mission's movement to Shangil Tobaya, Khor Abeche and Shaeria. UNAMID, in coordination with the humanitarian community, dispatched resupply and relief convoys to the Khor Abeche team site on 27 December. UNAMID convoys and two World Food Programme (WFP) trucks reached Shangil Tobaya, Khor Abeche and Shaeria on 28 and 29 December.

22. UNAMID will continue to send road and air convoys to areas of need and conduct long-range patrols to the affected areas in order to show presence and implement its core mandate. UNAMID will also continue to keep a robust military presence in conflict and potential conflict areas in order to deter violence and protect civilians.

Jebel Marra

23. Jebel Marra is a mountainous area of roughly 12,800 square kilometres spanning the three Darfur States. Large portions of Jebel Marra have been cut off from humanitarian and UNAMID access since February 2010, owing in part to fighting primarily between SAF and the Sudan Liberation Army-Abdul Wahid (SLA-AW). UNAMID and the humanitarian agencies have attempted to access the area on numerous occasions and have been denied except on a few occasions for assessments by Government and SLA-AW elements on the ground.

24. On 13 November, UNAMID conducted two patrols to the eastern and western parts of Jebel Marra, including to Guldo and Golo on the western side and Tarny, Gosdor and Turty on the eastern side. It was found that the situation in these areas was generally calm. Checkpoints and pockets of armed elements on the higher grounds in the western side could pose a threat to civilians but were not deemed to represent a significant military threat. Areas in the eastern side were found to be under the control of different Sudan Liberation Army factions, with tensions between them.

25. In December, UNAMID had intended to carry out more systematic patrols into Jebel Marra to assess the conditions and open humanitarian space. The manpower necessary for these patrols had to be redirected to address the fighting in Khor Abeche, Shangil Tobaya and Shaeria. Given ongoing tensions in these areas, and the need to address military resources towards possible tensions in Southern Darfur, the mission intends to strengthen its assistance to humanitarian agencies to reach areas in need by use of mission air assets, including tactical helicopters and security elements.

Intercommunal conflict

26. During the reporting period, 13 deaths attributable to intercommunal conflict were recorded, down from 157 in the previous period. Of these, 10 people died in a clash between the Misseriya and Aballah near Um Dukhun (Western Darfur) on 17 October. While still serious, this figure represents the lowest number of deaths attributable to intercommunal conflict in Darfur over a 90-day period in 2010. The decrease is partially a result of higher levels of seasonal rainfall, the renewed effort by the Government to broker reconciliation agreements, and UNAMID military and police security and protection patrols.

27. UNAMID, in partnership with the Office of the United Nations High Commissioner for Refugees (UNHCR) and El Fasher University, developed and

delivered a course on conflict management to 75 participants in El Fasher. The objective of the training was to enhance the capacity of *ajaweed* (mediation) committees and civil society organizations to address conflict at the local level and contribute to conditions for durable solutions for internally displaced persons. In addition, with a view to supporting verified voluntary returnees in the Korma area in Northern Darfur, UNAMID, UNHCR and the United Nations Development Programme (UNDP) delivered training on dialogue, negotiation and mediation to 25 personnel of *ajaweed* committees, civil society organizations, SLA-MM, Sudan Liberation Army-Free Will and the Humanitarian Aid Commission.

Safety and security

28. UNAMID peacekeepers were attacked twice during the reporting period. On 6 October, UNAMID military was fired upon by a group of unidentified armed men while conducting a patrol near Kutum in Northern Darfur. Patrol members repelled the attack and neither party sustained casualties. In the second attack, unidentified gunmen shot a UNAMID peacekeeper while he was guarding a water point near Kutum on 5 November. Nearby UNAMID forces retaliated with fire, forcing the perpetrators to flee.

29. In continuation of a disturbing trend, two kidnapping incidents occurred during the reporting period. On 7 October, the house of UNAMID staff was broken into. Three staff members were taken hostage, two of whom managed to escape within a few hours of being kidnapped. The other hostage was held for 90 days and finally released on 5 January. On 4 November, three aviation staff contracted by WFP were kidnapped in Nyala, Southern Darfur. They escaped after 35 days in captivity.

30. A total of seven attempted carjackings of United Nations vehicles occurred during the reporting period, down from 17 in the previous period. Of these, two attempts were successful. Five cases of armed robbery — four targeting international non-governmental organizations and one targeting the Office for the Coordination of Humanitarian Affairs — occurred during the reporting period. Most of these incidents involved armed incursions into offices or guesthouses by assailants in search of money and valuables.

31. The relatively low number of carjacking incidents suggests that mitigation measures, which include improved information-sharing and coordination with Government security services, the increased use of UNAMID armed escorts and enforcing curfews, are proving effective. UNAMID established a Joint Security Operations Centre in El Fasher staffed by both Government and UNAMID security officers, in order to mitigate security risks and enhance coordination.

32. The total number of incidents involving banditry, criminality, attacks on or the harassment of civilians by actors other than military or formal militia units decreased from 228 in the previous reporting period to 113 in the current period.

33. UNAMID continues to reduce the threat posed by unexploded ordnance contamination throughout Darfur. During the reporting period, a total of 133 unexploded ordnance devices were destroyed and unexploded ordnance risk education was delivered to 50 teachers. A further 12,092 civilians received lectures on the risk unexploded ordnance poses and the proper methods for dealing with such risks. The mission responded to several reports from local communities of unexploded ordnance threats by conducting emergency assessments of 41,986

square metres of land. UNAMID also surveyed 1,154 kilometres of road for possible contamination from unexploded ordnance.

34. On 4 October, the Northern Sudan Disarmament, Demobilization and Reintegration Commission commenced the reintegration opportunities programme in El Fasher. Some 189 discharged members of the Declaration of Commitment signatories received small business and skills acquisition training. A second workshop to raise awareness on DDR issues was organized by the Commission, in collaboration with UNAMID and UNDP, with funding from the Government of Canada.

Restrictions of movement

35. The mission's freedom of movement was impeded on 26 occasions during the reporting period, bringing the total for the year to 123. Of the incidents during the reporting period, 23 restrictions were imposed by Government of the Sudan authorities, two by SLA-MM and one by community members. Of the 23 restrictions imposed by the Government, in 17 cases movement was restricted during and as a result of military engagements between SAF and armed movements. In six cases, flight clearance was denied for the tactical helicopters in Southern Darfur as part of contingency planning for the referendum on Southern Sudan, owing to a Government-imposed blanket flight restriction in effect from 3 to 14 November in areas where SAF air operations were taking place. Prior to the outbreak of fighting between SAF and JEM in October, UNAMID tactical helicopters conducted aerial reconnaissance operations without restriction. On 20 December, armed tactical helicopters were also used to fly into Khor Abeche at the time of the clashes.

36. On the two occasions where the mission's movement was restricted by SLA-MM, unarmed UNAMID police advisers were prevented from proceeding past a checkpoint at Zam Zam camp because of an alleged failure by the mission to pay the salary of a local staff member.

37. On 12 October, SAF stopped UNAMID police advisers in Western Darfur at a checkpoint, citing the absence of prior approval. On 21 October, SAF stopped a UNAMID military patrol that was on its way to Wastani, 43 kilometres north of El Geneina, on the grounds that the area was not safe and the patrol had not provided prior notification. In both cases, the UNAMID patrol members returned to base.

IV. Humanitarian situation

38. Until mid-December, when fighting forced nearly 40,000 persons to flee their homes, the humanitarian situation remained relatively stable during the reporting period. Humanitarian efforts nevertheless remain impeded by insecurity and access restrictions. Overall, access was consistently limited in eastern Jebel Marra, intermittently limited in areas where there was fighting between SAF and armed movements, and limited by the need for armed escorts and remote programming in most other areas outside the main urban centres owing to the risk of banditry.

39. In Southern Darfur, the delivery of assistance to El Daein, Addila, Um Sauna, Gereida, Muhajeria, Marla and Khor Abeche was disrupted by clashes between SAF and JEM forces in November and December. An increase in the number of soldiers

in and around Zam Zam camp, in connection with the deterioration in relations between the Government and SLA-MM, briefly limited humanitarian access to the camp on 22 and 23 November. In Northern Darfur, access was limited by insecurity in Shangil Tobaya, Dar al Salam, Kutum, Kebkabiya, Malha, Seraf Umra and Mellit localities, where humanitarian assistance was delivered remotely through local staff.

40. Access to eastern Jebel Marra has been restricted since February 2010, for reasons that include intermittent clashes between SAF and SLA-AW early in October. General food distribution was last conducted in November 2009 to 87,286 persons. Several agencies accessed eastern Jebel Marra between 13 and 15 October and identified pressing humanitarian needs, particularly in relation to health, water, sanitation and hygiene. Subsequent attempts by the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) to access Golombei in eastern Jebel Marra, by both road and air, for an immunization programme were denied clearance by Government authorities. To date, over 60 requests of the humanitarian agencies for access to the areas for humanitarian assistance as well as protection monitoring were refused.

41. Concerted efforts to address humanitarian access restrictions in Darfur are under way. UNAMID and the United Nations Humanitarian Coordinator met high-level Government officials and movement leaders throughout the reporting period in an effort to obtain unrestricted access. Advocacy on freedom of movement was conducted at all levels and demarches made through the High-level Committee on Darfur. One result of these engagements was communication between the central Government and the State authorities, according to which State authorities were instructed to ease restrictions and afford UNAMID and humanitarians freedom of movement.

42. UNAMID has begun providing air transport within Darfur to humanitarian organizations to complement the operations of the United Nations Humanitarian Air Service. An increase in the use of ground convoys is also in place.

43. The Office for the Coordination of Humanitarian Affairs reported on 27 December that, following clashes in Shangil Tobaya, Dar al Salam and Khor Abeche in the previous two weeks, approximately 40,000 people had been displaced in Northern and Southern Darfur. There were 106,715 verified new displacements in 2010 as at 31 October, 12,220 of which occurred in October.

44. Insecurity and risks associated with banditry continued to present challenges to humanitarian operations. Three international non-governmental humanitarian organizations withdrew from Darfur as a result of the insecurity. In addition, as at 3 October, only 30 out of a total of 130 international humanitarian staff working in Darfur were located outside of urban centres. The limited ability of organizations to deploy staff in the field reduces agencies' contact with communities and adversely affects their programmes.

45. In spite of these difficulties, food aid was successfully distributed to 90 per cent of the targeted population in October. This high figure is attributable in part to the good harvest experienced in 2010, which meant that most beneficiaries of food assistance were internally displaced persons residing in camps rather than communities in remote locations. In addition, more internally displaced persons temporarily left camps to cultivate land in 2010, roughly 60 per cent in Western Darfur, 25 per cent in Northern Darfur and 23 per cent in Southern Darfur.

46. Following the period of instability in Kalma camp in July and August, the Government announced on 7 October that it had decided to relocate internally displaced persons from the camp to new settlements located nearby. The Government established new camps in Bileil and Al-Taqwa and intends to allocate land for homes and agriculture to internally displaced persons who decide to resettle in the new areas. Following this decision, the humanitarian country team endorsed a document entitled "The application of guiding principles in the context of the relocation of internally displaced persons in Darfur", the provisions of which are being referenced by the humanitarian community in discussions with Southern Darfur authorities. This framework, based on the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement, sets out the general approach and procedures to which the Government, the United Nations and non-governmental organizations should adhere in cases of relocation. In response, Government authorities have assured the humanitarian community that relocations will be voluntary and full access will be granted to resettlement sites so that internally displaced persons may determine their appropriateness. In this context, activities were conducted during the reporting period in support of the voluntary return of 496 internally displaced persons from Kalma camp and Nyala to five villages in Western Darfur.

V. Rule of law, governance and human rights

47. The human rights situation remained a cause for concern, with an increase in alleged arbitrary arrests and detentions from an already high 32 in the previous reporting period to 43 during the current period. Several reported incidents involved violations of the rights to freedom of opinion and expression. In one case, two internally displaced persons from Abu Shouk camp were arrested by National Intelligence and Security Services agents in El Fasher on 8 October, after a visit by United Nations Security Council members. While officials of the National Intelligence and Security Services subsequently advised that the arrests were not associated with the visit of the Security Council delegation, an alternative explanation has not been provided. On 26 October, one of the detainees was released, but was rearrested on 2 November on the grounds that the investigation was not complete. UNAMID is continuing to advocate for their release or trial in court.

48. UNAMID has worked to confirm reports of human rights abuses during the fighting in December. Integrated assessment teams confirmed reports of looting and the destruction of personal property, as well as of public facilities in some villages, including Jaghara village in Shaeria (Southern Darfur); Khor Abeche town, Soreif, Sharief, Kalaka and Um Al Kura villages in Khor Abeche (Southern Darfur); and Gudu and Marla near Dar al Salam (Northern Darfur). Reports of aerial bombardment were confirmed in Abu Dumaite village near Shaeria, Marla village close to Dar al Salam and other areas south of Shangil Tobaya (Northern Darfur), as well as in areas close to Khor Abeche. The mission is actively working to confirm reports of other human rights violations, including allegations of rape during the fighting in December.

49. Government security agencies arrested and brought to trial at El Fasher Criminal Court three men suspected of involvement in the attack on UNAMID peacekeepers on 21 June in Nertiti. Two Rwandan peacekeepers who had witnessed

the attack but had already rotated out of the mission by the time of the trial returned to El Fasher to give testimony on 8 December 2011. The judgment was rendered on 15 December, acquitting the three accused on the grounds that the Rwandan eyewitnesses could not properly identify the accused.

50. On 21 October, the Nyala Specialized Court passed a sentence in the case of 11 suspected JEM elements accused of attacking a Government convoy escorted by the Central Reserve Police on 7 May 2010 in Sanyi Afundu (Southern Darfur). The Court sentenced nine of the accused to death by hanging, of whom four were reported to be under the age of 18. A medical doctor opposed the age declaration of the four accused and certified their status as adults. One of the defendants was acquitted and one minor was sent to the reformatory in El Fasher. On 28 October, the defence lawyer submitted an appeal, which is still pending.

51. During the reporting period, UNAMID held a four-day workshop on human rights and community policing for 25 Government police in Western Darfur, and delivered human rights training to 60 Government prison staff in El Geneina and Zalingei. UNAMID human rights officers delivered training to 200 military, 22 police and 67 civilian personnel in the mission. Training in appropriate handling of sexual and gender-based violence cases and gender-responsive approaches to community policing was delivered to 182 newly deployed UNAMID police gender advisers; and in gender issues to 41 UNAMID military officers based in Kabkabiya and Mournei.

52. Regarding access, UNAMID was refused entry to the Nyala Special Court in October by the judge, who stated that he would only allow UNAMID or other agencies to enter the court if they were involved in a case. UNAMID continued to be denied access to prisons and detention centres in Northern Darfur, including the SLA-MM-operated detention facility at Zam Zam and the one operated by the Government of the Sudan in Mellit. Such restrictions prevent the independent monitoring of trials. In Mellit, the State prosecutor is currently absent and the judge has assumed the duties of prosecutor in the prosecutor's absence, raising serious concerns about the fairness of trials.

53. On 25 November, a programme entitled "16 days of activism against gender violence" was launched by UNAMID, agencies and the three State governments. Approximately 3,000 Darfurians participated in the campaign, which involved marches, speeches, drama and cultural performances. In addition, several advocacy and capacity-building activities were undertaken as part of the campaign, which included workshops and training sessions for national non-government organizations, officials of the State Government Violence against Women Unit and civil society.

54. UNAMID police conducted a number of trainings and workshops on human rights and basic subjects; 507 monitoring visits to Government police and prisons in advocacy of child welfare and women's rights; and 82 security meetings with Government of the Sudan and movement police. UNAMID police also trained 561 selected community policing volunteers on the basics of community policing, including human rights issues.

55. In an effort to strengthen the rule of law, especially in rural areas, UNAMID, UNDP and the Western Darfur judiciary held a workshop on Sudanese criminal law, criminal procedure and laws of evidence for 40 rural court judges. In a welcome

development, the judiciary agreed to commence mobile court sessions in areas that currently do not have court facilities.

Child protection

56. UNAMID continued to mainstream child protection concerns, monitor and report violations of children's rights and advocate at the community level for the protection of children. The mission also engaged in dialogue with SAF and armed groups to gain commitments to Action Plans to end the recruitment and use of child soldiers. While SAF do not have a policy of recruiting children, concern was expressed over the continued association of children with SAF and militia groups. On 21 October, UNAMID, along with the United Nations Mission in the Sudan (UNMIS) and UNICEF, met Ministry of Defence officials to discuss progress made in the preparation of an action plan to end the use of child soldiers by SAF and pro-Government militia groups. The meeting was convened to continue discussions held in May, at which SAF officials reconfirmed to the Special Representative of the Secretary-General for Children and Armed Conflict their commitment to adopting an action plan.

57. On 22 December, UNICEF and the UNAMID Child Protection Section visited Gur Lumbung, a SLA-AW stronghold in Jebel Marra. SLA-AW commanders agreed to establish an action plan to end the use of child soldiers, while also appealing for humanitarian assistance, health and education for the children.

VI. Protection of civilians

58. UNAMID has updated its strategy for the protection of civilians, in coordination with the United Nations country team. The updated strategy provides comprehensive strategic, managerial and operational guidance for the implementation of the mission's protection mandate.

59. The protection of civilians in Darfur is first and foremost the responsibility of the Government of the Sudan. The UNAMID protection strategy identifies objectives and tasks for engagement with and assistance to the Government in carrying out its responsibilities in accordance with its international obligations. In this connection, the strategy prioritizes engagement with national authorities and armed groups with a view to their desisting from violations of international law and human rights standards, particularly in regard to violence against civilians, the disproportionate use of force, access and the use of child soldiers. The strategy also outlines rule of law, child protection, human rights and sexual and gender-based violence protection actions to be undertaken in coordination with the United Nations country team at the strategic and operational levels to build the protection capacity of national, state, local and community actors.

60. The direct fulfilment of the mission's protection responsibilities — namely, to protect civilians across Darfur and ensure the safe, timely and unhindered access, as well as the safety and security of humanitarian personnel and the protection of convoys — is based on the following approach. The mission will deter hostilities against civilians through engaging belligerents to cease hostilities and act in accordance with international humanitarian law; maintain a robust and integrated (military, police, humanitarian liaison and human rights) presence in areas of potential hostilities to deter violence, provide direct protection, secure humanitarian

space, monitor and provide accurate and verified reporting based on engagement with all sides. The mission will conduct map exercises at each team site on a regular basis in order to maintain operational readiness for such scenarios.

61. In regard to opening humanitarian space and the free movement of civilians, the mission will provide area security through patrolling, particularly in targeted areas of humanitarian need; undertake integrated reconnaissance missions for monitoring and verification of the security situation, locations of armed actors, population movements and the humanitarian requirements; and provide escorts as required.

62. With regard to access, the main areas consistently restricted by the Government and SLA-AW are in Jebel Marra and locations where military operations are ongoing. Other areas of Darfur are restricted in time and place, depending upon decisions of local officials, including for airspace, ground patrols and the use of the mission's tactical helicopters. The UNAMID protection strategy recognizes that the mission must be more forceful in ensuring access and outlines means for the mission to systematically track and follow up on restrictions at the local, state and national levels.

63. The fulfilment of the mission's protection mandate is dependent on sound management and early warning. The strategy therefore outlines integrated information collection, analysis and dissemination systems from the team site through the sectors to the headquarters to build the mission's capacity for quick reaction and coordinated strategic and operational decision-making.

64. While the mission has the tools and structures to fulfil this strategy, its successful implementation will depend on management and guidance at the most senior level. In this connection, the strategy obliges the leadership of the mission to provide the appropriate guidance to troops in the field and civilians entrusted to carry out the strategy, as well as to engage Government officials and belligerent parties in meeting its objectives. The success of the strategy will also require the commitment of the Department of Peacekeeping Operations, the African Union Commission for Peace and Security and troop- and police-contributing countries to ensuring that troops and police conduct their tasks with appropriate equipment and the correct posture.

VII. Progress against mission benchmarks

65. Pursuant to paragraph 8 of Security Council resolution 1935 (2010), the present report includes an assessment of progress against the benchmarks set out in annex II to the report of the Secretary-General of 16 November 2009 (S/2009/592).

66. The first benchmark, progress towards the achievement of a comprehensive political solution to the conflict through the implementation of the Darfur Peace Agreement or subsequent agreements, suffered a setback when relations between the signatory parties to the Darfur Peace Agreement, the Government of the Sudan and SLA-MM, deteriorated significantly. Given the lack of implementation of the DPA prior to this development, its effect on making progress against the benchmark is likely to be minor. Progress was made towards agreement between other parties to the conflict, with the Government and LJM moving closer to agreement, JEM

engagement in ceasefire negotiations and information dissemination on the outcome of the second civil society conference.

67. The second benchmark pertains to UNAMID contributing to the restoration of a stable and secure environment throughout Darfur. There was a degree of regression in this area, largely owing to fighting between SAF and movement forces. There was a marked reduction in intercommunal clashes and a decrease in the number of incidents involving banditry.

68. The third benchmark refers to the enhancement of the rule of law, governance and human rights protection, and assistance to improve the effectiveness and efficiency of State institutions. The number of human rights violations and abuses recorded during the current reporting period increased slightly from that of the previous period. UNAMID conducted human rights training sessions for Government of the Sudan police and corrections officers and, in conjunction with UNDP and the Western Darfur judiciary, workshops for rural judges.

69. The fourth benchmark relates to stabilizing the humanitarian situation and facilitating humanitarian access to populations in need of assistance. Overall, there was neither progress nor regression against this benchmark during the reporting period. Progress was affected by the clashes that took place between SAF and the armed movements, and the reluctance of the Government to allow the mission and humanitarian agencies to access areas where military operations were under way. In addition, banditry contributed to a limited deep field access for humanitarian personnel. In areas reached by UNAMID and agencies, the humanitarian situation remained relatively stable. In general terms, the health and nutrition situation in most internally displaced persons camps remained unchanged and stable. However, insecurity in parts of Southern Darfur caused the suspension or scaling down of humanitarian operations in some areas.

VIII. Deployment and operations of the mission

70. As at 30 November, the number of UNAMID civilian personnel stood at 4,298 (1,095 international staff, 2,726 national staff and 477 United Nations Volunteers). This represents 78 per cent of the approved strength of 5,516. The mission continues to face difficulties in recruiting and retaining suitably qualified staff owing to the harsh living conditions and unpredictable security situation in Darfur. Since January 2008, 224 potential candidates have declined offers of appointment; while 370 have left the mission due to reassignment, resignation, retirement or return to another duty station.

71. As at 28 December, the strength of UNAMID military personnel stands at 17,468, representing 89 per cent of the authorized strength of 19,555. This includes 16,929 troops, 294 staff officers, 69 liaison officers and 176 military observers. The number of infantry battalions deployed is now 16 of the authorized strength of 18, with the advance parties of the remaining two battalions deployed. The current strength of UNAMID individual police officers stands at 2,745, which is 72.77 per cent of the mandated strength of 3,772. Of the 19 formed police units projected to be deployed in Darfur, 16 are in Darfur. Two units are partway through their deployment process. The total personnel strength of formed police units currently stands at 2,234, or 83.98 per cent of the authorized strength of 2,660. Owing to the desire of the Government for UNAMID to increase the number of Arabic-speaking

police, UNAMID experienced difficulty in obtaining visas for non-Arabic-speaking individual police officers and a relatively low deployment rate of officers in December.

72. Between 20 September and 13 October, the Department of Peacekeeping Operations conducted a military capability study of the UNAMID Force with a multidisciplinary team of officers, including from the African Union. The report indicates that, while the rules of engagement and troop numbers are adequate to implement the mandate, the deployment and visibility of its military component should be increased throughout Darfur, in order to extend the mission's coverage and contribute to enhancing the levels of confidence among the local population and the parties. In this context, the draft study recommends a readjustment of headquarters staff, enhanced presence throughout the mission area, and the development of a headquarters-directed patrolling and information collection plan. In addition, shortfalls were identified in the contingency-owned equipment of some troop-contributing countries, including low serviceability of major equipment, which has a negative impact on operational capability. The Department and UNAMID are working to finalize and approve this study, with a view to implement its recommendations as quickly as possible.

73. During the period under review, UNAMID military personnel conducted a total of 6,940 patrols, comprising 3,718 routine patrols, 186 humanitarian escorts, 1,141 night patrols, 722 short-range patrols, 390 long-range patrols and 783 logistics and administrative patrols. UNAMID police conducted a total of 9,124 patrols. Of these, 6,407 were conducted within internally displaced persons camps and with groups of mainly women and children leaving villages and camps to collect firewood and grass; 2,434 were conducted in and around villages and markets; and 1,138 medium- and long-range area and presence patrols were conducted. UNAMID police conducted round-the-clock patrols in 18 camps, four in Northern Darfur, six in Southern Darfur and eight in Western Darfur.

74. Contingents' readiness and self-sustainment capabilities remain relatively unchanged since the previous reporting period, with one exception. The Nigerian contingent has improved its holding of patrol vehicles from 35 per cent of the draft memorandum of understanding approved quantity to 83 per cent. Currently, there are 51 units deployed in the mission area (35 military and 16 formed police units), with formed police units from Togo and Burkina Faso having recently arrived. The lack of self-sustainment capability of some contingents places an additional strain on UNAMID mission support resources and operations. UNAMID is particularly concerned with the unsatisfactory service record of the armoured personnel carriers deployed by some contributing countries.

75. The provision of logistical support for the referendum on Southern Sudan has involved the transfer of 150 light vehicles and the temporary deployment of three Mi-8 helicopters and one IL-76 aircraft to UNMIS. In Darfur, UNAMID successfully facilitated the delivery of registration materials and personnel to all 16 registration centres in November. The mission is also preparing to deliver polling materials in support of the referendum. In addition, reserve supplies of water, rations and fuel are being prepositioned at UNAMID military team sites in Southern Darfur in line with the contingency plans developed for use in the event of insecurity in the southern reaches of Darfur.

76. In order to provide security, protection and unhindered humanitarian access to vulnerable internally displaced persons scattered in about 156 camps in Darfur, a total of 83 community police centres were planned to be constructed. However, due to security concerns and lack of access to lands to build the centres, the number had to be scaled down to 70. Fifty centres have been made operational by co-locating them with existing team sites, including 11 newly constructed centres. Five others are at various stages of construction, while the remaining 54 have been prioritized for construction.

77. The total number of quick-impact projects approved for implementation between 2007 and 2010 now stands at 482. Projects have been implemented in the areas of education, health, income generation, water, sanitation, shelter, women's and youth empowerment (through the rehabilitation of women's and youth centres) and conflict resolution, where quick-impact projects have been used to address sources of conflict between adversarial communities. Of these, a total of 100 projects have been completed to date, while 176 projects are 65 per cent complete and 48 projects have recently commenced. UNAMID continues to receive a large number of project proposals from communities and local organizations, including several proposals for projects in support of community reconciliation initiatives.

IX. Observations

78. While I note with satisfaction prospects for progress made in the peace negotiations in Doha and the decrease in intercommunal fighting, I am deeply concerned over the upsurge in fighting between Government and movement forces, particularly JEM and SLA-MM, and its humanitarian consequences.

79. The use of military force will not resolve the conflict; it will only prolong and increase the suffering of the people of Darfur. I call on the Government and the movements to recognize their responsibility to the people of Darfur, to ensure their forces on the ground desist from violence, and to show the political will necessary to reach an immediate ceasefire and an inclusive and comprehensive peace agreement.

80. The Sudan is at a turning point in its history. The parties to the Comprehensive Peace Agreement have demonstrated commendable determination and cooperation in implementing the final provisions of the agreement. For its part, the international community has shown unprecedented cohesion in supporting the parties to the Comprehensive Peace Agreement through this period. Never has the time been so opportune to settle the conflict in Darfur. Therefore, in the same way that it gave support to the parties to the Comprehensive Peace Agreement, the international community should, in a cohesive and urgent manner, step up its engagement with the Government and parties in the Sudan in helping them to reach an inclusive and comprehensive peace in Darfur.

81. I have noted reports that some Darfur movements might have been operating in Southern Sudan, and I acknowledge statements of SPLM that it would not provide support to any Darfur movement. Meanwhile, I encourage those countries with influence on the movements to press them to participate in the peace process in good faith and determination in order to conclude an agreement without further delay.

82. I note with great concern tensions that arose during the visit of the Joint Chief Mediator and the Minister of State of Qatar to Darfur and condemn the disproportionate use of force against civilians that occurred after the departure of the mediation team from Zalingei. I call upon the people of Darfur to exercise patience, however difficult in the face of the conditions on the ground, and on all Darfurian leaders to recommit themselves to supporting the speedy conclusion of the peace process.

83. The African Union, in line with the report of the African Union High-level Panel on Darfur, has stressed that a resolution of the conflict in Darfur must be the outcome of an inclusive negotiating process, involving both belligerent and non-belligerent parties and constituencies, on a comprehensive agenda. At its 250th meeting, held in Tripoli on 30 November 2010, the African Union Peace and Security Council encouraged the launching of the Darfur-based political process under the auspices of the African Union High-level Implementation Panel and UNAMID, as part of an intensified effort on Darfur.

84. The Darfur-based political process must be held in an environment that would allow for free expression without fear of retribution and freedom of movement and assembly, and with broad-based participation. I call upon the Government and all stakeholders to ensure that they fully carry out their responsibilities towards this end in supporting the launch of the Darfur-based political process at the appropriate moment.

85. UNAMID is taking significant steps to increase its effectiveness on the ground, including through a robust protection strategy and a more determined posture in the face of restrictions on freedom of movement. The mission will make every effort to move forward in spite of impediments to ensure that it can protect civilians, build confidence and open routes for the free movement of civilians and humanitarian actors. I commend the work of UNAMID staff who are at the front line, working under difficult conditions, in ensuring the protection of those at risk.

86. As UNAMID steps up its efforts to build confidence, the Government must do the same. I call upon the Government of the Sudan to ease restrictions for the humanitarian community as it reaches out to those most in need of assistance, especially in Jebel Marra, where civilians have been cut off from humanitarian assistance for almost one year.

87. I take note of recent progress on child protection issues by SAF and SLA-AW. The Government must also step up efforts to address reports of continued arbitrary arrests and detention and abuses of human rights and take concrete action to strengthen the judicial system and ensure the protection of the political and civil rights of civilians. I remind the Government that these issues and full access to Jebel Marra and all areas of Darfur are fundamental prerequisites to shifting attention solely from humanitarian needs to early recovery, the launch of the Darfur-based political process and the voluntary return of internally displaced persons. I assure the Government that UNAMID remains steadfast in its commitment to assist it and the people of Darfur in reaching these goals in an open and transparent manner.

88. I condemn the continued attacks, kidnappings and banditry targeting UNAMID and humanitarian personnel. The United Nations and humanitarian personnel must be able to carry out their life-saving work without fear. I call upon the Government

to step up its efforts to ensure law and order in Darfur and to bring to justice those accountable for such attacks.

89. I welcome the return to their families of the UNAMID hostage who was held from 7 October 2010 to 5 January 2011, and the three WFP personnel who were held from 4 November to 8 December 2010. I appreciate the support of the Government to ensure their safe release and call upon it to take all steps necessary to put an end to conditions that allow for spoilers to attack United Nations and humanitarian personnel and deter them from their mandated work. I also thank the Government of Hungary for its untiring efforts for the release of the UNAMID staff member.

90. UNAMID has made strides in its deployment, but has experienced difficulties in obtaining visas for its staff. I acknowledge the Government's efforts to ease the backlog of visas. Those who are most essential to the mission's work must be granted visas as a matter of immediate priority.

91. In closing, I would like to thank the Joint Special Representative, the Force Commander and all the women and men of UNAMID and the humanitarian community in Darfur, who continue to work tirelessly and under difficult conditions to assist civilians at risk. I would also like to thank the Joint Chief Mediator, the Government of Qatar and all those working in support of the mediation with the view to reaching an inclusive and comprehensive settlement without delay, as well as the African Union High-level Implementation Panel for its work towards peace in Darfur.

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Letter dated 17 January 2011 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council on "The situation in the Middle East, including the Palestinian question", which will be held on Wednesday, 19 January 2011.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer

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